

111TH CONGRESS
1ST SESSION

H. R. 3677

To provide relief payments to recipients of social security and railroad retirement benefits, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2009

Ms. GRANGER introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure and Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide relief payments to recipients of social security and railroad retirement benefits, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Save Our Seniors’ So-
5 cial Security Act of 2009”.

6 **SEC. 2. RELIEF PAYMENTS TO RECIPIENTS OF SOCIAL SE-**
7 **CURITY AND RAILROAD RETIREMENT BENE-**
8 **FITS.**

9 (a) **AUTHORITY TO MAKE PAYMENTS.—**

1 (1) ELIGIBILITY.—

2 (A) IN GENERAL.—Subject to paragraph
3 (5)(B), the Secretary of the Treasury shall dis-
4 burse a \$280 payment to each individual who,
5 for any of the months of December 2009, Janu-
6 ary 2010, or February 2010, is entitled to a
7 benefit payment described in clause (i) or (ii) of
8 subparagraph (B).

9 (B) BENEFIT PAYMENT DESCRIBED.—For
10 purposes of subparagraph (A):

11 (i) TITLE II BENEFIT.—A benefit pay-
12 ment described in this clause is a monthly
13 insurance benefit payable (without regard
14 to sections 202(j)(1) and 223(b) of the So-
15 cial Security Act (42 U.S.C. 402(j)(1),
16 423(b))) under—

17 (I) section 202(a) of such Act
18 (42 U.S.C. 402(a));

19 (II) section 202(b) of such Act
20 (42 U.S.C. 402(b));

21 (III) section 202(c) of such Act
22 (42 U.S.C. 402(c));

23 (IV) section 202(d)(1)(B)(ii) of
24 such Act (42 U.S.C.
25 402(d)(1)(B)(ii));

1 (V) section 202(e) of such Act
2 (42 U.S.C. 402(e));

3 (VI) section 202(f) of such Act
4 (42 U.S.C. 402(f));

5 (VII) section 202(g) of such Act
6 (42 U.S.C. 402(g));

7 (VIII) section 202(h) of such Act
8 (42 U.S.C. 402(h));

9 (IX) section 223(a) of such Act
10 (42 U.S.C. 423(a));

11 (X) section 227 of such Act (42
12 U.S.C. 427); or

13 (XI) section 228 of such Act (42
14 U.S.C. 428).

15 (ii) RAILROAD RETIREMENT BEN-
16 EFIT.—A benefit payment described in this
17 clause is a monthly annuity or pension
18 payment payable (without regard to section
19 5(a)(ii) of the Railroad Retirement Act of
20 1974 (45 U.S.C. 231d(a)(ii))) under—

21 (I) section 2(a)(1) of such Act
22 (45 U.S.C. 231a(a)(1));

23 (II) section 2(c) of such Act (45
24 U.S.C. 231a(c));

1 (III) section 2(d)(1)(i) of such
2 Act (45 U.S.C. 231a(d)(1)(i));

3 (IV) section 2(d)(1)(ii) of such
4 Act (45 U.S.C. 231a(d)(1)(ii));

5 (V) section 2(d)(1)(iii)(C) of such
6 Act to an adult disabled child (45
7 U.S.C. 231a(d)(1)(iii)(C));

8 (VI) section 2(d)(1)(iv) of such
9 Act (45 U.S.C. 231a(d)(1)(iv));

10 (VII) section 2(d)(1)(v) of such
11 Act (45 U.S.C. 231a(d)(1)(v)); or

12 (VIII) section 7(b)(2) of such Act
13 (45 U.S.C. 231f(b)(2)) with respect to
14 any of the benefit payments described
15 in clause (i) of this subparagraph.

16 (2) REQUIREMENT.—A payment shall be made
17 under paragraph (1) only to individuals who reside
18 in 1 of the 50 States, the District of Columbia,
19 Puerto Rico, Guam, the United States Virgin Is-
20 lands, American Samoa, or the Northern Mariana
21 Islands. For purposes of the preceding sentence, the
22 determination of the individual's residence shall be
23 based on the current address of record under a pro-
24 gram specified in paragraph (1).

1 (3) NO DOUBLE PAYMENTS.—An individual
2 shall be paid only 1 payment under this section, re-
3 gardless of whether the individual is entitled to, or
4 eligible for, more than 1 benefit or cash payment de-
5 scribed in paragraph (1).

6 (4) LIMITATION.—A payment under this section
7 shall not be made—

8 (A) in the case of an individual entitled to
9 a benefit specified in paragraph (1)(B)(i) or
10 paragraph (1)(B)(ii)(VIII) if, for the most re-
11 cent month of such individual's entitlement in
12 the 3-month period described in paragraph (1),
13 such individual's benefit under such paragraph
14 was not payable by reason of subsection (x) or
15 (y) of section 202 the Social Security Act (42
16 U.S.C. 402) or section 1129A of such Act (42
17 U.S.C. 1320a–8a); or

18 (B) in the case of any individual whose
19 date of death occurs before the date on which
20 the individual is certified under subsection (b)
21 to receive a payment under this section.

22 (5) TIMING AND MANNER OF PAYMENTS.—

23 (A) IN GENERAL.—The Secretary of the
24 Treasury shall commence disbursing payments
25 under this section at the earliest practicable

1 date but in no event later than 120 days after
2 the date of the enactment of this Act. The Sec-
3 retary of the Treasury may disburse any pay-
4 ment electronically to an individual in such
5 manner as if such payment was a benefit pay-
6 ment or cash benefit to such individual under
7 the applicable program described in paragraph
8 (1)(B).

9 (B) DEADLINE.—No payments shall be
10 disbursed under this section after December 31,
11 2012, regardless of any determinations of enti-
12 tlement to, or eligibility for, such payments
13 made after such date.

14 (b) IDENTIFICATION OF RECIPIENTS.—The Commis-
15 sioner of Social Security and the Railroad Retirement
16 Board shall certify the individuals entitled to receive pay-
17 ments under this section and provide the Secretary of the
18 Treasury with the information needed to disburse such
19 payments. A certification of an individual shall be unaf-
20 fected by any subsequent determination or redetermina-
21 tion of the individual's entitlement to, or eligibility for, a
22 benefit specified in subsection (a)(1)(B).

23 (c) TREATMENT OF PAYMENTS.—

24 (1) PAYMENT TO BE DISREGARDED FOR PUR-
25 POSES OF ALL FEDERAL AND FEDERALLY ASSISTED

1 PROGRAMS.—A payment under subsection (a) shall
2 not be regarded as income and shall not be regarded
3 as a resource for the month of receipt and the fol-
4 lowing 9 months, for purposes of determining the
5 eligibility of the recipient (or the recipient’s spouse
6 or family) for benefits or assistance, or the amount
7 or extent of benefits or assistance, under any Fed-
8 eral program or under any State or local program fi-
9 nanced in whole or in part with Federal funds.

10 (2) PAYMENT NOT CONSIDERED INCOME FOR
11 PURPOSES OF TAXATION.—A payment under sub-
12 section (a) shall not be considered as gross income
13 for purposes of the Internal Revenue Code of 1986.

14 (3) PAYMENTS PROTECTED FROM ASSIGN-
15 MENT.—The provisions of sections 207 and
16 1631(d)(1) of the Social Security Act (42 U.S.C.
17 407, 1383(d)(1)) and section 14(a) of the Railroad
18 Retirement Act of 1974 (45 U.S.C. 231m(a)) shall
19 apply to any payment made under subsection (a) as
20 if such payment was a benefit payment or cash ben-
21 efit to such individual under the applicable program
22 described in subsection (a)(1)(B).

23 (4) PAYMENTS SUBJECT TO OFFSET.—Notwith-
24 standing paragraph (3), for purposes of section
25 3716 of title 31, United States Code, any payment

1 made under this section shall not be considered a
 2 benefit payment or cash benefit made under the ap-
 3 plicable program described in subsection (a)(1)(B)
 4 and all amounts paid shall be subject to offset to
 5 collect delinquent debts.

6 (d) PAYMENT TO REPRESENTATIVE PAYEES AND FI-
 7 DUCIARIES.—

8 (1) IN GENERAL.—In any case in which an in-
 9 dividual who is entitled to a payment under sub-
 10 section (a) and whose benefit payment or cash ben-
 11 efit described in paragraph (1) of that subsection is
 12 paid to a representative payee or fiduciary, the pay-
 13 ment under subsection (a) shall be made to the indi-
 14 vidual's representative payee or fiduciary and the en-
 15 tire payment shall be used only for the benefit of the
 16 individual who is entitled to the payment.

17 (2) APPLICABILITY.—

18 (A) PAYMENT ON THE BASIS OF A TITLE
 19 II BENEFIT.—Section 1129(a)(3) of the Social
 20 Security Act (42 U.S.C. 1320a–8(a)(3)) shall
 21 apply to any payment made on the basis of an
 22 entitlement to a benefit specified in subsection
 23 (a)(1)(B)(i) in the same manner as such section
 24 applies to a payment under title II of such Act.

1 (B) PAYMENT ON THE BASIS OF A RAIL-
2 ROAD RETIREMENT BENEFIT.—Section 13 of
3 the Railroad Retirement Act (45 U.S.C. 231l)
4 shall apply to any payment made on the basis
5 of an entitlement to a benefit specified in sub-
6 section (a)(1)(B)(ii) in the same manner as
7 such section applies to a payment under such
8 Act.

9 (e) APPROPRIATION.—

10 (1) IN GENERAL.—Out of any sums in the
11 Treasury of the United States not otherwise appro-
12 priated, the following sums are appropriated for the
13 period of fiscal years 2010 through 2012 to carry
14 out this section:

15 (A) For the Secretary of the Treasury,
16 \$131,000,000 for administrative costs incurred
17 in carrying out this section.

18 (B) For the Commissioner of Social Secu-
19 rity—

20 (i) such sums as may be necessary for
21 payments to individuals certified by the
22 Commissioner of Social Security as entitled
23 to receive a payment under this section;
24 and

1 (ii) \$90,000,000 for the Social Secu-
2 rity Administration's Limitation on Admin-
3 istrative Expenses for costs incurred in
4 carrying out this section.

5 (C) For the Railroad Retirement Board—

6 (i) such sums as may be necessary for
7 payments to individuals certified by the
8 Railroad Retirement Board as entitled to
9 receive a payment under this section; and

10 (ii) \$1,400,000 to the Railroad Retire-
11 ment Board's Limitation on Administra-
12 tion for administrative costs incurred in
13 carrying out this section.

14 (2) LIMITATION.—No part of any appropriation
15 contained in paragraph (1) shall remain available for
16 obligation beyond fiscal year 2012.

17 **SEC. 3. FUNDING.**

18 (a) IN GENERAL.—Effective on the date of the enact-
19 ment of this Act, of the unobligated balance of the discre-
20 tionary appropriations made available by division A of the
21 American Recovery and Reinvestment Act of 2009 (Public
22 Law 111–5), there is rescinded the amount determined by
23 the Director of the Office of Management and Budget to
24 be required to offset the increase in spending resulting
25 from the provisions of section 2.

1 (b) APPLICATION.—The rescission made by sub-
2 section (a) shall be applied proportionately—

3 (1) to each discretionary account; and

4 (2) within each such account, to each program,
5 project, and activity (with programs, projects, and
6 activities as delineated in the appropriation Act or
7 accompanying reports for the relevant fiscal year
8 covering such account, or for accounts not included
9 in appropriation Act, as delineated in the most re-
10 cently submitted President’s budget).

11 (c) OMB REPORT.—Within 30 days after the date
12 of the enactment of this Act, the Director of the Office
13 of Management and Budget shall submit to the House of
14 Representatives and the Senate a report specifying the re-
15 ductions made to each account, program, project, and ac-
16 tivity pursuant to this section.

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